

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KARIM H. KAMAL,

Case No.: 1:23-cv-5498

Plaintiff,

**VERIFIED
ANSWER**

-against-

RAGHBIR SINGH, UBER TECHNOLOGIES,
INC. and AMERICAN TRANSIT INSURANCE
COMPANY,

Defendants.

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Defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE
COMPANY, through their attorneys, BARRY McTIERNAN & MOORE LLC, answering
plaintiff's Complaint, states as follows:

NATURE OF CLAIM

FIRST: Deny each and every allegation contained in paragraphs numbered "1" of
the Complaint.

VENUE AND JURISDICTION

SECOND: Deny any knowledge or information sufficient to form a belief as to the
allegations contained in paragraph numbered "2" of the Complaint and respectfully refer all
questions of law to this Honorable Court.

THIRD: Deny any knowledge or information sufficient to form a belief as to the
allegations contained in paragraph numbered "3" of the Complaint and respectfully refer all
questions of law to this Honorable Court.

FOURTH: Deny each and every allegation contained in paragraphs numbered “4” of the Complaint.

PARTIES

FIFTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “5” of the Complaint.

SIXTH: Admit each and every allegation contained in paragraph numbered “6” of the Complaint.

SEVENTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “7” of the Complaint.

EIGHTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “8” of the Complaint.

NINTH: Deny each and every allegation contained in paragraphs numbered “9” of the Complaint.

AS TO THE FIRST CAUSE OF ACTION

TENTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “10” of the Complaint.

ELEVENTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “11” of the Complaint.

TWELFTH: Deny each and every allegation contained in paragraphs numbered “12” of the Complaint.

THIRTEENTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “13” of the Complaint and respectfully refer all questions of law to this Honorable Court.

AS TO THE SECOND CAUSE OF ACTION

FOURTEENTH: Answering paragraph numbered “14” of the Complaint, defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE COMPANY, repeat, reiterate and re-allege each and every response contained in paragraphs numbered “1” through “13” of this Verified Answer.

FIFTEENTH: Deny each and every allegation contained in paragraph numbered “15” of the Complaint.

SIXTEENTH: Deny each and every allegation contained in paragraph numbered “16” of the Complaint.

SEVENTEENTH: Deny each and every allegation contained in paragraph numbered “17” of the Complaint.

AS TO THE THIRD CAUSE OF ACTION

EIGHTEENTH: Answering paragraph numbered “18” of the Complaint, defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE COMPANY, repeat, reiterate and re-allege each and every response contained in paragraphs numbered “1” through “17” of this Verified Answer.

NINETEENTH: Deny each and every allegation contained in paragraph numbered “19” of the Complaint.

TWENTIETH: Deny each and every allegation contained in paragraph numbered “20” of the Complaint.

AS TO THE FOURTH CAUSE OF ACTION

TWENTY-FIRST: Answering paragraph numbered “21” of the Complaint, defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE COMPANY, repeat, reiterate and re-allege each and every response contained in paragraphs numbered “1” through “20” of this Verified Answer.

TWENTY-SECOND: Deny each and every allegation contained in paragraph numbered “22” of the Complaint, except admit that AMERICAN TRANSIT INSURANCE COMPANY has issued an insurance policy to the defendant driver.

TWENTY-THIRD: Admit each and every allegation contained in paragraph numbered “23” of the Complaint.

TWENTY-FOURTH: Deny each and every allegation contained in paragraph numbered “24” of the Complaint, except admit that AMERICAN TRANSIT INSURANCE COMPANY has denied plaintiff’s claims that he sustained a serious injury as a result of this incident and that his vehicle has been damaged in the amount claimed.

TWENTY-FIFTH: Admit each and every allegation contained in paragraph numbered “25” of the Complaint.

TWENTY-SIXTH: Deny each and every allegation contained in paragraph numbered “26” of the Complaint.

TWENTY-SEVENTH: Deny each and every allegation contained in paragraph numbered “27” of the Complaint.

TWENTY-EIGHTH: Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered “28” of the Complaint.

TWENTY-NINTH: Deny each and every allegation contained in paragraph numbered “29” of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

THIRTIETH: That the defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE COMPANY, assert the terms, provisions, limitations and rights contained in §4545(c) of the CPLR.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

THIRTY-FIRST: Defendants allege that the Court has no jurisdiction of the person(s) of the defendants in that the Summons and Complaint was not served upon the person(s) of the defendants, nor was it served in any other manner prescribed.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

THIRTY-SECOND: That to the extent plaintiff failed to mitigate the damages alleged in the Complaint, plaintiff's claims and causes of action are barred in whole or in part.

WHEREFORE, defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE COMPANY, demand judgment dismissing the Complaint of plaintiff herein as to said defendants, together with the costs, fees, expenses and disbursements of this action.

Dated: New York, New York
August 2, 2023

BARRY McTIERNAN & MOORE LLC

Claire F. Rush

Claire F. Rush (CFR-7604)
Attorneys for Defendants
RAGHBIR SINGH and
AMERICAN TRANSIT
INSURANCE COMPANY
101 Greenwich Street, 14th Floor
New York, New York 10006
(212) 313-3600
File No.: AMT-68214

To: Karim H. Kamal, Esq. (KK-2279)
LAW OFFICE OF KARIM H. KAMAL
Attorneys for Plaintiff
KARIM H. KAMAL
430 East 86th Street, Suite 14B
New York, New York 10028
(212) 586-0510

UBER TECHNOLOGIES, INC.
Defendant
1455 Market Street, Floor 4
San Francisco, CA 94103

ATTORNEY VERIFICATION

CLAIRE F. RUSH, ESQ., affirms the following under penalties of perjury pursuant to CPLR 2106:

I am a member of BARRY McTIERNAN & MOORE LLC, attorneys of record for defendants, RAGHBIR SINGH and AMERICAN TRANSIT INSURANCE COMPANY.

This Affirmation is made upon information and belief, the source of your affirmant's belief being the files and records maintained by her office in connection with its defense of this action.

I have read and know the contents of this **VERIFIED ANSWER** and the same are true to my knowledge.

Your affirmant further states that the reason this Affirmation is not made by the aforementioned defendants is that said defendants do not maintain a principal place of business in the county which your deponent currently maintains her office.

Dated: New York, New York
August 2, 2023

Claire F. Rush
CLAIRE F. RUSH